



**DeSoto, Inc.**

ADMINISTRATIVE AND REMEDIAL SERVICES

1700 SOUTH MOUNT PROSPECT ROAD, BOX 5030, DES PLAINES, ILLINOIS 60017 TELEPHONE 312-391-9000

**RECEIVED**

MAR 30 1989

**REMEDIAL &  
ENFORCEMENT  
RESPONSE BRANCH**

LAW DEPARTMENT

March 29, 1989

Mr. Norman Niedergang, Chief  
Remedial and Enforcement Response Branch  
United States Environmental Protection Agency  
Region V  
230 South Dearborn Street  
Chicago, Illinois 60604

Re: Ninth Avenue Dump  
Gary, Indiana (The "Site")  
Special Notice of Potential Liability dated 3/17/89  
Your Reply Reference: 5HS-11

Dear Mr. Niedergang:

This is in response to your March 17, 1989 Special Notice of Potential Liability addressed to DeSoto, Inc. ("DeSoto") concerning the Ninth Avenue Dump Site (the "Site") in Gary, Indiana.

As your records no doubt reflect, DeSoto was previously among those parties ("PRPs") on whom the United States Environmental Protection Agency (the "USEPA") served a unilateral Administrative Order (the "Interim Administrative Order") dated December 7, 1988, made effective as of December 30, 1988, ordering certain interim remedial measures at the Site. Subsequent to that Notice, a Steering Committee of Potentially Responsible Parties ("PRPs") was formed for this Site. DeSoto immediately joined and became active in that Steering Committee. In that connection, DeSoto was an original signatory to the Agreement Among Participating Respondents for the Ninth Avenue Site, which became effective as of January 13, 1989, for purposes of undertaking remedial measures under the Interim Administrative Order.

DeSoto is, at present, a member in good standing of that Steering Committee.

It is our understanding that the Steering Committee referred to above is the same as the one referred to in your March 17, 1989 Special Notice of Potential Liability. It is our further understanding that arrangements are already underway for that Steering Committee to undertake negotiations with the USEPA concerning permanent remedial action at this Site pursuant to your March 17, 1989 Special Notice of Potential Liability. It

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is DeSoto's current intention to remain active in the Steering Committee for purposes of dealing with the matter of permanent as well as interim remedial action at this Site. If DeSoto should later decide to withdraw from participation in this Steering Committee for this purpose, we will advise the USEPA of such withdrawal.

From your letter, we understand that DeSoto's participation through the Steering Committee referred to above in negotiations with the USEPA concerning interim and permanent remedial action at this Site is satisfactory to your Agency. It is our further understanding that no adverse action will be taken against DeSoto, pending negotiations between the USEPA and the Steering Committee or afterwards, without further notice to DeSoto. If we are incorrect in this respect, please let us know immediately so that we can make appropriate arrangements.

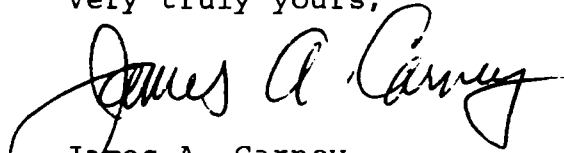
Finally, any direct contacts with DeSoto concerning this matter can be made through me at the following address and telephone number:

James A. Carney  
Assistant General Counsel  
DeSoto, Inc.  
Law Department  
1700 South Mt. Prospect Road  
Box 5030  
Des Plaines, Illinois 60017

Tel. (312) 391-9603

If you have any questions, please do not hesitate to contact me.

Very truly yours,

  
James A. Carney  
Assistant General Counsel

JAC/jc

cc: Pamela Nehring - Gardner, Carton & Douglas  
Diane Diks